

REMARKS

Claims 1-23 are pending in the instant application. Claims 1-23 have been rejected by the Examiner. Claims 1-11 and 13-23 have been amended. The Applicant submits that claims 1-23 are in condition for allowance and respectfully requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC §102

Claims 1-23 have been rejected under 35 USC 102(e) as being allegedly anticipated by U.S. Patent No. 6,724,872 to Moore et al. (hereinafter “Moore”). The Applicant respectfully traverses the outstanding rejections of claims 1-23 under 35 USC 102(e) because Moore does not teach or suggest each and every feature of the Applicant’s claims in contravention of the provisions of the statute.

Independent claims 1 and 14 have been amended to recite, *inter alia*, “retrieving a pre-defined acknowledgement message from a database;

sending the pre-defined acknowledgement message to the calling device; and

sending the incoming call to a voicemail system of the call-receiving device.” No new matter has been entered by this amendment. Support may be found throughout the Applicant’s specification and drawings, e.g., paragraph [0031]. These features are neither taught, nor suggested, by Moore.

In particular, Moore teaches a system for delivering messages to a calling party who calls a called party who is engaged in an Internet session over a telephone line (Abstract). Moore discloses sending messages from the called party to the calling party while the Internet session is in progress (Figure 2, elements 150, 155; Figure 6; column 7, lines 18-45; column 7, line 63 through column 8, line 29). Moore also discloses alternative options for handling the call *in lieu of* sending messages. In particular, Moore discloses sending the call to a voicemail system (Figure 2, element 130), placing the call on hold (Figure 2, element 135), and forwarding the call to an alternate location (Figure 2, element 140). As taught by Moore, the called party is given the ability to *either* send a message via options 150 and 155, or the called party can select one of the

alternative options (voicemail, hold, forward). Moore does not teach or suggest sending an acknowledgement message to a caller **and** forwarding the call to the called party's voicemail system, as recited in amended claims 1 and 14. Support for this argument is found, e.g., in column 7 of Moore, which states “[a]t call state 7, the called party selects one of the response buttons 130-155 to send an Internet call waiting message (reply) back to the SCP 43 for processing” (column 7, lines 5-8; emphasis added by the Applicant). The call flow described in Figure 5 of Moore further describes the process in which the called party selects the voicemail option (response button 130 of Figure 2), as follows: “if the called party selects the voice mail button 130, the selection will be forwarded through the Internet 50 and the gateway 80 back to the SCP 43 [which] will instruct the called party's switch 20 to open a trunk line between the calling party and the voice mail system of the called party” (column 7, lines 8-13). Likewise, Figure 6 describes a call flow in which the called party sends a personalized text message to the calling party, and Figure 7 describes a call flow in which the called party sends a personalized voice message to the calling party. There is no provision, either explicit or implicit, in Moore that the called party is given the option to **both** send an acknowledgement message and forward the incoming call to a voicemail system, as recited in the Applicant's claims 1 and 14. For at least this reason, the Applicant submits that claims 1 and 14 are not anticipated by Moore and are in condition for allowance. Independent claim 8 has been amended in a manner substantially similar to those described above with respect to claims 1 and 14. For at least the reasons advanced above with respect to claim 1, the Applicant submits that claim 8 is also in condition for allowance. Claims 2-7 and 21 depend from what should be an allowable claim 1. Claims 9-13 and 22 depend from what should be an allowable claim 8. Claims 15-20 and 23 depend from what should be an allowable claim 14. For at least these reasons, the Applicant submits that claims 2-7, 9-13, and 15-23 are in condition for allowance.

Claim 13, which depends from independent claim 8, has been amended to further clarify that which the Applicant regards as the invention. Claim 8 now recites, *inter alia*, “wherein the call request includes a delay field operable for preventing premature transmission of the pre-defined acknowledgement message to the calling device **to allow time for a caller of the calling device to complete a voicemail message** at the voicemail system of the call-receiving device.”

No new matter has been entered by this amendment. Support may be found, e.g., in paragraph

[0037] of the Applicant's specification. The Examiner states on page 2 of the Office action that Moore teaches this feature via a hold button 230 and further states "putting a caller on hold before sending a response would read on such a limitation." The Applicant's amendment to claim 13 sufficiently distinguishes the claimed feature from the 'hold button 230' disclosed in Moore, which simply places a call on hold. It is self-evident that putting a call on hold is clearly different than delaying transmission of an acknowledgement message to a calling party. The Applicant submits that claim 13 is easily distinguished from Moore and is in condition for allowance.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to the Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the Applicant deems to be the invention, it is respectfully requested that claims 1-23 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP
Applicant's Attorneys

By: /Marisa J. Dubuc/
Marisa J. Dubuc
Registration No. 46,673
Customer No. 36192

Date: September 29, 2008
Address: 20 Church Street, 22nd Floor
Hartford, CT 06103-3207
Telephone: (860) 286-2929
Fax: (860) 286-0115